

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JEFFERY J. BARMANN,

Plaintiff,

-vs-

**KAPLAN UNIVERSITY
FINANCE OFFICE; and
WILLIAM CHESTNUT,**

Defendants.

Case Number 09 C 588-CV-W-DW

**PLAINTIFF'S REQUEST FOR
VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Plaintiff, Jeffery J. Barmann, respectfully notifies this Court of his voluntary dismissal of this action without prejudice, under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

In support of this Notice, Barmann states as follows:

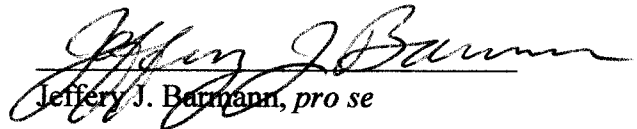
1. Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without the need for a motion or a Court Order, by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. Pro. 41(a)(1)(A)(i).
2. Rule 41(A)(1)(B) provides that unless the notice provides differently, the voluntary dismissal "is without prejudice." Fed. R. Civ. Pro. 41(a)(1)(A)(i).
3. Neither Defendant to this action has filed an answer or a motion for summary judgment.

4. Accordingly, Barmann is entitled to voluntarily dismiss this action without prejudice, by filing this Notice.

WHEREFORE, Plaintiff Jeffery J. Barmann hereby voluntarily dismisses this action without prejudice, and requests that this Court issue an Order reflecting such voluntary dismissal without prejudice.

Respectfully submitted,

JEFFERY J. BARMANN,
Plaintiff



Jeffery J. Barmann, *pro se*

Jeffery J. Barmann
7945 Blue Ridge Boulevard
Kansas City, Missouri 64138
(816) 298-6052

Dated: November 23, 2009

Certificate of Service

I, Petitioner, Jeffery J Barmann do herein certify that I have sent a true and correct copy of the above stated Motion to Dimiss, via "e-mail" to Attorney For Respondents, Christopher E. Paetsch Dated: November 20, 2009

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Jeffery J. Barmann